



3743
#5
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Michael J. O'Donnell et al.

Serial No.: 10/091,785 Group Art Unit: 3743

Filed: March 6, 2002 Examiner: N/A

For: GAS BURNER

Docket: 14-526 C1

Watts, Hoffmann, Fisher
& Heinke Co., L.P.A.
P.O. Box 99839
Cleveland, Ohio 44199-0839

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. § 1.56, applicants submit herewith information of which they are aware that may be considered material by the Examiner in determining the patentability of this application.

In accordance with 37 C.F.R. § 1.98(a)(1), copies of the following patents are being submitted for consideration by the office and are listed on the attached form PTO-1449. Also enclosed is a copy of the Information Disclosure Statement that was filed in parent application Serial No. 09/246,483, filed February 9, 1999, now U.S. Patent No. 6,371,753, dated April 16, 2002. Should any fees be required in connection with this Information Disclosure Statement, please charge Deposit Account No. 23-0630.

Respectfully submitted,

Date: July 16, 2002

John R. Hlavka
Reg. No. 29,076

Telephone: (216) 241-6700
Facsimile: (216) 241-8151

on 7-17-02
BRI [Signature]
I hereby certify that this patent is being submitted to the U.S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231

RECEIVED

JUL 26 2002

TECHNOLOGY CENTER R3700



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Michael J. O'Donnell et al.

Serial No.: 09/246,483

Group Art Unit, 374

Filed: February 9, 1999

For: GAS BURNER

Docket: 14-526

Watts, Hoffmann, Fisher
& Heinke Co., L.P.A.
P.O. Box 99839
Cleveland, Ohio 44199-0839

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. § 1.56, applicants submit herewith information of which they are aware that may be considered material by the Examiner in determining the patentability of this application.

In accordance with 37 C.F.R. § 1.98(a)(1), copies of the following patents and/or publications are being submitted for consideration by the office and are listed on the attached form PTO-1449.

The applicants wish to bring to the attention of the Examiner activity regarding the invention that occurred prior to the filing date (February 11, 1998) of the subject patent application. A prototype of a burner similar to the burner shown in Figures 2 and 3, was tested by the applicants on January 16, 1997. On January 20, 1997, the assignee of the subject application entered into a non-disclosure agreement with a prospective customer. Following signing of the non-disclosure agreement, prototype samples of the burner were forwarded to the prospective customer.

I hereby certify that this paper is being deposited with the U.S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231

Patricia A. Tamm

5-85-99

RECEIVED

JUL 26 2002

TECHNOLOGY CENTER R3700

The prospective customer made an initial evaluation of the burner on January 31, 1997. On February 7, 1997, the prospective customer requested a cost estimate so that it could determine whether it was reasonable to proceed with the time and expense required to fully test/evaluate and certify the new burner. The prospective customer also requested additional burner samples to be used at a future trade show and/or for certification purposes. The samples were sent to the prospective customer on February 10, 1997 (the subject application was filed on February 11, 1998).

On February 13, 1997, the assignee of the subject application formally approved the burner for the prospective customer's application which, under company policy, is required before a product can be offered for sale. On February 17, 1997, the prospective customer requested a change in a particular operating characteristic of the burner and, as a result, a design change was made to the configuration of the gas ports in order to comply with the prospective customer's request. On February 20, 1997, samples with the reconfigured gas ports were sent to the prospective customer. On February 24, 1997, the prospective customer entered into a purchase commitment, which is required under company policy of the assignee in order for the company to obtain tooling to make a new product. On February 26, 1997, the customer was still not satisfied with an operating characteristic of the burner and requested additional changes in the primary air openings of the burner. On March 4, 1997, samples with the changed primary air openings were sent to the prospective customer. On March 7, 1997, the first production burners were sent to the prospective customer.

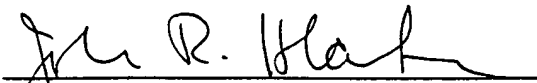
Based on the foregoing, it is believed that activities involving the invention which occurred more than one year before the filing date of the application do the impact the

patentability of the application (Figure 1 embodiment). If the Examiner requires additional information it will be gladly provided upon request.

Should any fees be required in connection with this Information Disclosure Statement, please charge Deposit Account No. 23-0630.

Respectfully submitted,

Date: 5/19/99


John R. Hlavka
Reg. No. 29,076

Telephone: (216) 241-6700
Facsimile: (216) 241-8151